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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SALL, EL HADJI MALICK	

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/882,597	SILVER ET AL.	
	Examiner	Art Unit	
	El Hadji M. Sall	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *10-15,17 and 19* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,16 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the correspondence on May 24, 2005. Claims 1-20 are pending. Claims 1 and 10 are amended. Claim 20 is added. Claims 1-9, 16 and 20 are elected. Claims 10-15 and 17-19 are withdrawn. Claims 1-20 represent electronic mail (email) Internet application methods and systems.

2. Election/Restrictions

Applicant's election with traverse of claims 1-9, 16 and 20 in the reply filed on May 24, 2005 is acknowledged. The traversal is on the ground(s) that "the restriction requirement is apparently based on an alleged intermediate/final product relationship between two sets of claims, Group I and Group 11. Applicant asserts that there is not an intermediate-final product relationship. The method claims of Group I are not drawn to a product; they are drawn to a method. Nevertheless, even if they are considered to be effectively drawn to a product, then the products that they are drawn to are at the same stage as the products to which the claims of Group II are drawn". This is not found persuasive because inventions II and I are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention. Invention I leads to "automatically deleting all attachments in the

e-mail message" while invention II leads to "a blinking light separate from the display to indicate an unread email".

The requirement is still deemed proper and is therefore made FINAL.

Claims 10-15 and 17-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected set of claims 10-15 and 17 there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on May 24, 2005.

3. ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al. U.S. 6,161,130 in view of Bates et al. U.S. 6,785,732.

Horvitz teaches the invention substantially as claimed including technique which utilizes a probabilistic classifier to detect "junk" e-mail by automatically updating a training and re-training the classifier based on the updated training set.

As to claim 1, Horvitz teaches a method of manipulating email messages with an email network appliance comprising:

Classifying the text only email message (see abstract, Horvitz discloses Based on the probability measure, the message can alternatively be classified);

Inserting the text only email message into a classification container (see abstract, Horvitz discloses (see abstract, Horvitz discloses that message is classified as either, e.g., spam or legitimate mail, and, e.g., then stored in a corresponding folder); and

Presenting the classification container in a classification display section (see abstract, Horvitz discloses for subsequent retrieval by and display to the recipient).

Horvitz fails to teach explicitly receiving an email message, the email message having had all attachments automatically deleted such that the email message is text only.

However, Bates teaches web server apparatus and method for virus checker. Bates teaches receiving an email message, the email message having had all attachments automatically deleted such that the email message is text only (column 9, lines 12-60, Bates discloses receiving an e-mail message with attachment, and the attachment is deleted, and the e-mail message without the attachment is sent to the web client).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Horvitz in view of Bates to provide receiving an email message, the email message having had all attachments automatically deleted such that the email message is text only. One would be motivated to do so to allow virus infection prevention.

As to claim 2, Horvitz teaches the method of claim 1, further comprising prompting a user to save a sent email message (column 8, lines 1-2, the recipient can also save the message).

As to claim 3, Horvitz teaches the method of claim 1.

Horvitz fails to teach the email network appliance comprises an apparatus comprising a scrollable line display capable of presenting at least six lines but no more than fifteen lines.

However, Bates teaches a display that is presented to a user comprising a scrollable line display presenting at leas six lines but no more than 15 lines (figure 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Horvitz to provide a display capable of presenting at least six lines but no more than fifteen lines. One would be motivated to do so to allow just a certain number of lines on display to avoid over crowding the display.

As to claim 5, Horvitz teaches the method of claim 1, wherein the email network appliance comprises an apparatus comprising a keyboard (figure 4, item 49).

As to claims 6 and 16, Horvitz teaches the method of claims 1 and 8 respectively, wherein the email network appliance comprises an email Internet appliance (figure 1).

As to claim 7, Horvitz teaches the method of claim 3, further comprising prompting a user to save a sent email message (column 8, lines 1-2, Horvitz discloses the recipient can also save the message).

As to claim 8, Horvitz teaches the method of claim 6, further comprising prompting a user to save a sent email message (column 8, lines 1-2, Horvitz discloses the recipient can also save the message).

As to claim 9, Horvitz teaches the method of claim 1, wherein the display classification section comprises at least two sections, each section containing one

classification container (see abstract, Horvitz discloses that message is classified as either, e.g., spam or legitimate mail, and, e.g., then stored in a corresponding folder (223, 227)).

5. ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al. U.S. 6,161,130 in view of Bates et al. U.S. 6,785,732, and further in view of Shaw et al. U.S. 6,516,341.

Horvitz teaches the invention substantially including technique which utilizes a probabilistic classifier to detect "junk" e-mail by automatically updating a training and re-training the classifier based on the updated training set.

As to claim 4, Horvitz teaches the method of claim 1.

Horvitz fails to teach the email network appliance comprises an apparatus connected to a public switch network via an RJ-11 interface.

However, Shaw teaches electronic mail system with advertising. Shaw teaches the email network appliance comprises an apparatus connected to a public switch

network via an RJ-11 interface (column1, lines 58-64, Shaw discloses using a computer with a modem, the user dials up the on-line access number and connects to the on-line network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Horvitz in view of Shaw to provide an apparatus connected to a public switch network via an RJ-11 interface to the network appliance. One would be motivated to do so to avoid excessive expenses involved on subscribing to an ISDN line or leased line.

As to claim 20, Horvitz teaches the method of claim 1.

Horvitz fails to teach explicitly reading a text only email message in a classification container, wherein all reading is performed off-line.

However, Shaw teaches reading a text only email message in a classification container, wherein all reading is performed off-line (column 4, lines 45-50, Shaw discloses he user reads e-mail received while off-line).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Horvitz in view of Bates, further in view of Shaw to provide reading a text only email message in a classification container, wherein all reading is performed off-line. One would be motivated to do so to allow saving online connection cost.

7. Response to Arguments

Applicant's arguments with respect to claims 1-9, 16 and 20 have been considered but are moot in view of the new ground(s) of rejection.

8. ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall
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